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8	BEFO	RE THE
9	BOARD OF REGISTERED NURSING DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA	
10		1 .
11	In the Matter of the Accusation Against:	Case No. 2013 - 175
12	CYNTHIA DIANA KLIPFEL	ACCUSATION
13	aka CYNTHIA DIANA TOMPKINS	
	1015 Fulton Avenue, #131	
14	Sacramento, CA 95825	
15	Registered Nurse License No. 728792	
16	Respondent.	
17		
18	Louise R. Bailey, M.Ed., RN ("Complainant") alleges:	
19	<u>PARTIES</u>	
20	1. Complainant brings this Accusation solely in her official capacity as the Executive	
21	Officer of the Board of Registered Nursing ("Board"), Department of Consumer Affairs.	
22	2. On or about June 24, 2008, the Board issued Registered Nurse License Number	
23	728792 to Cynthia Diana Klipfel, also known as Cynthia Diana Tompkins ("Respondent"). The	
24	license was in full force and effect at all times relevant to the charges brought herein and will	
25	expire on November 30, 2013, unless renewed.	
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JURISDICTION

- 3. Business and Professions Code ("Code") section 2750 provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.
- 4. Code section 2764 provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under Code section 2811(b), the Board may renew an expired license at any time within eight years after the expiration.

STATUTORY PROVISIONS

- 5. Code section 2761(a) states, in pertinent part, that the board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for unprofessional conduct.
- 6. Code section 2762 states, in pertinent part:

 In addition to other acts constituting unprofessional conduct within the meaning of this chapter

 [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this chapter to
 do the following:
- (e) Falsify, or make grossly incorrect, grossly inconsistent, or unintelligible entries in any hospital, patient, or other record pertaining to the substances described in subdivision (a) of this section.

COST RECOVERY

7. Code section 125.3 provides, in pertinent part, that the Board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

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DRUGS

- 8. "Ativan," a brand of Lorazepam, is a Schedule IV controlled substance as designated by Health and Safety Code section 11057(d)(16).
- 9. "Dilaudid," a brand of hydromorphone, is a Schedule II controlled substance as designated by Health and Safety Code section 11055(b)(1)(J).
- 10. "Norco" is a compound consisting of 10 mg. hydrocodone bitartrate, also known as dihydrocodeinone, a Schedule III controlled substance as designated by Health and Safety Code section 11056(e)(4), and 325 mg. acetaminophen per tablet.
- 11. "Morphine" is a Schedule II controlled substance as designated by Health and Safety Code section 11055(b)(1)(L).

FIRST CAUSE FOR DISCIPLINE

(Falsified, Made Incorrect or Inconsistent Entries In Hospital or Patient Records)

12. Respondent is subject to discipline under Code section 2761(a), on the grounds of unprofessional conduct as defined in Code section 2762(e), in that between June 30, 2010, and July 10, 2010, while employed as a registered nurse in the Emergency Department at Mercy Hospital, located in Sacramento, California, Respondent falsified, made grossly incorrect, grossly inconsistent or unintelligible entries in hospital or patient records in the following respects:

Patient B:

- a. On or about June 30, 2010, at 0853 hours, Respondent signed out 1mg. of Dilaudid injectable, but failed to account for the disposition of the medication in any hospital or patient record.
- b. On or about June 30, 2010, at 1129 hours, Respondent signed out two (2) Norco tablets, but failed to account for the disposition of the Norco in any hospital or patient record.

Patient C:

c. On or about July 1, 2010, at 1338 hours, Respondent signed out one (1) 2mg. and one (1) 4mg. injectable of Morphine without a physician's order, and failed to account for the disposition of the Morphine in any hospital or patient record.

Patient D: 1 On or about July 4, 2010, at 1818 hours, Respondent signed out one (1) 2mg. d. 2 injectable of Morphine, but failed to account for the disposition of the Morphine in any hospital-3 or patient record. 4 Patient E: 5 On or about July 10, 2010, at 1024 hours, Respondent signed out one (1) 1mg. e. 6 injectable of Dilaudid, but failed to account for the disposition of the Dilaudid in any hospital or 7 patient record. 8 f. On or about July 10, 2010, at 1025 hours, Respondent signed out two (2) 2mg. 9 injectable of Ativan, but failed to account for the disposition of the Ativan in any hospital or 10 patient record. 11 **PRAYER** 12 WHEREFORE, Complainant requests that a hearing be held on the matters herein 13 alleged, and that following the hearing, the Board of Registered Nursing issue a decision: 14 Revoking or suspending Registered Nurse License Number 728792, issued to 1. 15 Cynthia Diana Klipfel, also known as Cynthia Diana Tompkins; 16 Ordering Cynthia Diana Klipfel, also known as Cynthia Diana Tompkins to pay 17 the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this 18 case, pursuant to Business and Professions Code section 125.3; and, 19 Taking such other and further action as deemed necessary and proper. 3. 20 September 7, 2012 21 22 **Executive Officer** Board of Registered Nursing 23 Department of Consumer Affairs State of California 24 Complainant 25 SA2011101841 26 10847079.doc

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